

That Hush Money Conversation

Nixon's Actions Defended

By Lesley Oelsner
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Washington

President Nixon's chief lawyer defended Mr. Nixon yesterday against suggestions that he violated the law when he failed to report to federal prosecutors, as soon as he found out, that hush money had been paid to the Watergate burglars.

"The President is the chief law enforcement officers in the country," attorney James D. St. Clair, said in an interview.

The President's legal obligation when informed of a crime is simply "to see" that the judicial process is set in motion and carried out, St. Clair said.

And the President did this in the case of the hush money payments, St. Clair said, citing as proof the fact that seven men were indicted ten days ago on charges of con-



JAMES ST. CLAIR
The President's lawyer

of the President were raised last week when Mr. Nixon stated in his news conference that he had been told last March 21 that payments were made to the original Watergate defendants for the purpose of keeping them quiet. Federal law requires that knowledge of the commission of a felony be reported to appropriate authorities; violation of that law is an offense known as "misprison."

The day after the news conference, the White House press office declined to answer questions regarding whether Mr. Nixon may have violated the law.

In the interview yesterday, St. Clair conceded that whether Mr. Nixon "should have" reported the information immediately "is a question on which people could differ."

But because of the President's role as chief law enforcement officer, he continued, "whether it's misprison or not doesn't make much sense as a legal question."

St. Clair also said in the interview that he does not believe that the House of Representatives will vote to impeach the President.

Asked about the controversy surrounding the President's tax returns, the lawyer said that the subject of taxes "involves the President personally" and is not part of his task as chief of the President's legal team on Watergate affairs.

St. Clair, a 53-year-old lawyer from Boston known for his urbanity as well as his skill in the courtroom, took the occasion of the interview to suggest that John W. Dean III — the President's former counsel and the sole person to give first-hand testimony against Mr. Nixon — is "no longer part of the prosecution's case" in

the Watergate coverup.

St. Clair has previously issued a statement to the press attacking Dean's credibility.

Yesterday, during the interview in his office at the Executive Office Building across from the west wing of the White House, he merely pointed to a statement in yesterday's editions of the New York Times — reporting that Dean had given two different dates for the conversation in which he allegedly discussed with Mr. Nixon the payment of hush money to the Watergate defendants.

During the televised hearings before the Senate Watergate committee last summer, Dean said that the conversation had occurred March 13, 1973. Subsequently, he told both the commit-

tee investigators and the grand jury that the conversation took place on March 21, 1973.

The special Watergate prosecution has a tape recording of the March 21 meeting; according to St. Clair, Dean's testimony is not needed to describe what occurred at that meeting.

St. Clair also made a point of an apparent discrepancy between a fact described in the grand jury indictment of the seven men in the cover-up case and what St. Clair called "sworn testimony" before the Watergate committee.

The indictment states that "on or about the evening of March 21, 1973, Fred C. LaRue (former re-election campaign official) arranged for the delivery of approximately \$75,000 in cash to William O. Bittman," (former attorney for E. Howard Hunt, one of the original Watergate defendants). This statement follows discussion in the indictment of conversations earlier that day in which the payment was authorized.

A chart used at the committee hearings and included in the record of the hearing — and specifically referred to by St. Clair yesterday — pegs this payment as occurring on March 20. St. Clair declined to speculate on the meaning of it; however, his inference seemed clear — that if the payment had occurred on the 20th and not the 21st, it did not come as a result of the March 21 conversation. If Mr. Nixon did not know of the payments until the 21st, he would thus not be responsible.

Actual testimony before the committee, by both Hunt and LaRue, was unclear as to the date of the payment.

spiraling in the Watergate coverup.

The suggestions of improper behavior on the part